

FILED*06 FEB 28 13:46USDC-ORE

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

MARK ALLEN KLINGER,

Petitioner,

Civil No. 05-912-TC

v.

FINDINGS AND
RECOMMENDATION

BRIAN BELLEQUE,

Respondent.

COFFIN, Magistrate Judge.

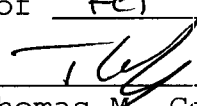
On July 11, 2005, a scheduling order was issued in this proceeding under 28 U.S.C. § 2254. Respondent did not appear or answer. Petitioner did not contact the court concerning the status of his petition.

By Order (#5) entered February 1, 2006, the parties were directed to notify the court within 14 days as to the status of this proceeding. On February 3, 2006, respondent filed an Acceptance and Acknowledgment of Service of Petition and Scheduling Order (#6). Petitioner has not responded.

FINDINGS AND RECOMMENDATION

Petitioner has apparently abandoned his claims. The Petition (#1) should be denied without prejudice. This proceeding should be dismissed for failure to prosecute.

DATED this 28 day of Feb, 2006.



Thomas M. Coffin
United States Magistrate Judge